

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

UNITED STATES OF AMERICA	)	
	)	Case No. 1:10-cr-158
v.	)	
	)	COLLIER / LEE
MICHAEL TODD SIMS	)	
	)	

REPORT AND RECOMMENDATION

Upon Defendant's motion, the Court ordered a mental evaluation of Defendant [Doc. 90]. After completion of the mental evaluation, a forensic report regarding the evaluation was received by the Court. The findings, which are set forth in more detail in the sealed forensic report, are that Defendant is not currently suffering from a mental disease or defect rendering him mentally incompetent to the extent he is unable to understand the nature and consequences of the proceedings filed against him or to properly assist in his defense, and that he is competent to stand trial. The findings regarding sanity are that Defendant was sane at the time of the alleged offense, and he did not suffer from a mental illness that interfered with his ability to appreciate the nature and quality or wrongfulness of his actions. Defendant has filed a waiver of any competency hearing [Doc. 167]. Given the waiver and the findings contained in the forensic report, I **RECOMMEND** that Defendant be found competent to understand the nature and consequences of the proceedings against him, able to assist in his defense, and competent to stand trial.<sup>1</sup>

SO ORDERED:

ENTER.

s/ Susan K. Lee  
SUSAN K. LEE  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> A party may serve and file objections to this report and recommendation within fourteen (14) days after being served with a copy of this report and recommendation. Failure to object in accordance with Fed. R. Crim. P. 59 waives a party's right to review.